

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

UNITED STATES OF AMERICA,

Plaintiff,

v.

Jose Guadalupe REYNOSO-Martinez,

Defendant(s)

Magistrate Case No.

08 APR -7 AM 11:10
08 MJ 1067
SOUTHERN DISTRICT OF CALIFORNIA

COMPLAINT FOR VIOLATION OF:

DEPUTY

Title 8 U.S.C., Sec. 1324 (a)(2)(B)(iii)
Bringing in Illegal Aliens Without
Presentation

The undersigned complainant, being duly sworn, states:

On or about **April 3, 2008**, within the Southern District of California, defendant **Jose Guadalupe REYNOSO-Martinez**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Benito SALAZAR-De La Cruz, Omar GOMEZ-Casarez, Froylan MARQUEZ-Rodriguez**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT

James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 7th DAY OF APRIL 2008


Ruben B. Brooks
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:**Jose Guadalupe REYNOSO-Martinez****PROBABLE CAUSE STATEMENT**

I declare under the penalty of perjury that the following statement is true and correct:

Furthermore, the complainant states that **Benito SALAZAR-De La Cruz, Omar GOMEZ-Casarez, and Froylan MARQUEZ-Rodriguez** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On April 03, 2008, at approximately 1:30 p.m., Senior Border Patrol Agent B. P. Belzer and K-9 Bento (030031) responded to a seismic intrusion device, while working the Pine Valley/Corte Madera area. This area is located approximately four miles east of the Tecate, California Port of Entry and 12 miles north from the United States/Mexico International Boundary fence. This area is located near Las Bancas Bridge on Interstate Highway 8, which is a well known area for alien smuggling activities.

Upon arriving to the general area of the seismic intrusion device, Agent Belzer's Agency canine Bento immediately alerted and indicated to the brush line adjacent to a main trail. At approximately 2:00 p.m., Agent Belzer encountered a group of 21 suspected undocumented aliens hiding in the heavy brush. Agent Belzer identified himself as a United States Border Patrol Agent and began to question each individual to include the defendant **Jose Guadalupe REYNOSO-Martinez**, as to their immigration status. Each individual, including the defendant, admitted to being a citizen and national of Mexico illegally present in the United States without any immigration documents that would allow them to enter or remain legally. The defendant and the other twenty individuals were arrested and transported to the Campo Border Patrol Station for processing.

DEFENDANT STATEMENT:

The defendant **Jose Guadalupe REYNOSO-Martinez** was read his Miranda Rights in the Spanish language and agreed to speak without the presence of a lawyer. The defendant admitted to being a citizen and national of Mexico without the proper documentation to enter, be or remain in the United States.

The defendant stated that he met two men called "El Ballena" and "El Cocho" approximately one week ago in Tijuana, Baja California, Mexico. The defendant stated that El Ballena offered to pay him \$250.00 U.S. to smuggle Mexican Nationals into the United States. The defendant stated that he accepted the offer along with another unidentified foot-guide that would be working with him. The defendant stated that on April 1st, 2008 he was instructed by El Ballena to smuggle approximately 18 undocumented aliens through the area of Tecate, Baja California, Mexico. The defendant stated that El Ballena originally handed over the group of undocumented aliens to the unidentified foot-guide that he was going to work with and then the unidentified foot-guide transported the undocumented aliens to an area south of the United States/Mexican International border fence and introduced the group to him. The defendant stated that the group of undocumented aliens walked for more than two days through the mountains of Tecate, California. The defendant stated that the climate was very cold on one of the two nights that they walked through the mountains.

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CONTINUATION OF COMPLAINT:**Jose Guadalupe REYNOSO-Martinez**

The defendant stated that he and the unidentified foot-guide that he was working with was going to get paid 250.00 US dollars each for each of the undocumented aliens that they successfully smuggled into the United States. The defendant stated that in the past, he has successfully smuggled into the United States seven groups of undocumented aliens near the same border region of Tecate, California. The defendant stated that the groups have consisted of 7 to 10 undocumented aliens each. The defendant stated that on this event, he was guiding the group north towards Interstate 8 in San Diego, California. The defendant stated that once they arrived at the pick up location, they were to call the load vehicle to have them picked up. The defendant stated that in past events, the load vehicle would take him and the group of undocumented aliens to an area in San Diego, California and he would subsequently be dropped off at the San Ysidro Port of Entry where he would walk back to Tijuana, Mexico.

MATERIAL WITNESSES STATEMENTS:

Material witnesses **Benito SALAZAR-De La Cruz**, **Omar GOMEZ-Casarez**, and **Froylan MARQUEZ-Rodriguez** agree in summary that they are citizens and nationals of Mexico illegally present in the United States. They admit to entering the United States illegally. The material witnesses stated that they were to pay \$2,500.00 (USD) to be smuggled into the United States. Material witnesses SALAZAR, GOMEZ and MARQUEZ were able to positively identify the defendant, Jose Guadalupe REYNOSO-Martinez as the foot guide.

Executed on April 5, 2008 at 9:00 a.m.


Carlos R. Chavez
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 2 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on April 3, 2008, in violation of Title 8, United States Code, Section 1324.


Peter C. Lewis

United States Magistrate Judge

4-5-08 @ 11:30 a.m.
Date/Time